

**First and Final Account and Report of Executor and Report of Executor and  
 Petition for Its Settlement for Allowance of Statutory Commissions and for Final  
 Distribution**

<b>DOD: 7/19/07</b>		<b>FRANKIE FREITAS</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Objections have been filed by J.L. Melikian. J.L. Melikian is an alias for Janetta Sconiers. Janet (Janetta) Sconiers has been deemed by the court to be a vexatious litigant. In her objections she states the court has systematically refused to file the responsive pleadings provided by Janetta Sconiers therefore she has chosen to file the objections under her recognized alias J.L. Melikian. <b>Examiner has not reviewed the objections as the objector does not have a pre-filing order allowing her to file said objections.</b>
		Account period: 7/19/07 – 5/15/14	
<b>Cont. from</b>		Accounting - <b>\$177,609.22</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$177,609.22</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$175,500.00</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Executor (statutory) - <b>\$6,328.28</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>	Attorney (statutory) - <b>\$6,328.28</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Attorney x/o - <b>\$17,500.00</b> (for will contest, trial on property claim and costs reduced from \$40,636.58).	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>	<b>Proposed distribution</b> , pursuant to Decedent's Will, assignment of interest and court order allowing the extraordinary fees charged against beneficiary Janet Sconiers share of the estate is to:	
<input checked="" type="checkbox"/>	<b>Letters</b>	4/21/08	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>	Rita Sconiers - 1/9 interest in real and personal property.	
<input type="checkbox"/>	<b>Video Receipt</b>	Nathaniel Sconiers - 1/9 interest in real and personal property.	
<input type="checkbox"/>	<b>CI Report</b>	Frankie Freitas - 2/9 interest in real and personal property.	
<input checked="" type="checkbox"/>	<b>9202</b>	Priscilla Sconiers Dorsey - 1/9 interest in real and personal property.	
<input checked="" type="checkbox"/>	<b>Order</b>	Jack Sconiers, Jr. - 1/9 interest in real and personal property.	
<input type="checkbox"/>	<b>Aff. Posting</b>	Phyllis Sconiers - 1/9 interest in real and personal property.	
<input type="checkbox"/>	<b>Status Rpt</b>	The Estate of Clarence Whitmore, Jr. - 1/9 interest in real and personal property.	
<input type="checkbox"/>	<b>UCCJEA</b>	Zachary Sconiers - 1/9 interest in real and personal property.	
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>	N/A	

**Report of Administrator and Petition for Final Distribution Upon Waiver of Accounting of the Estate of Sharon Rutherford, and Petition for Allowance of Statutory, Extraordinary Compensation and Reimbursement for Out-of-Pocket Expenses and Mileage for Co-Administrators, Statutory and Extraordinary Fees for Attorney [Prob. C. 10951(a)(1), (b)(7)]**

<b>DOD: 10-11-11</b>		<b>ROBERT JONES and DENISE JONES</b> , Co-Administrators with Full IAEA without bond, are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Need amended petition.</b>  <u><b>SEE ADDITIONAL PAGES</b></u>
		Petitioners are the sole heirs and waive accounting.	
		I&A: Petitioners state an I&A will be filed prior to the hearing reflecting that there were no assets marshaled in the estate. All assets were received after the date of death. Sharon and James Rutherford were both tragically killed in an automobile accident on 10-11-11.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>	X	
<input type="checkbox"/>	<b>PTC</b>	X	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>	3-16-12	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>	<p>POH: \$58,956.64 (cash)</p> <p>Co-Administrators (Statutory): Petitioners request statutory commissions of \$2,358.26 based on a fee base of \$58,956.64.</p> <p>Co-Administrators (Reimburse): \$1,721.24 including \$1,335.00 for filing objections in related estate 12CEPR00016, regarding appointment of a personal representative in the case and to the establishment of the ownership of the family home, \$335.24 for vet bills for the decedent's cat and \$51.00 for securing the decedent's residence after her death (changing the locks).</p> <p>Co-Administrators (Extraordinary): \$1,150.00 (See Exhibit "A")</p> <p>Co-Administrators (Mileage): \$2,055.20 for 3,670 miles @ \$.56/mile because Petitioners reside in Sacramento.)</p> <p>Attorney (Statutory): \$2,358.26</p> <p>Attorney (Extraordinary): \$3,416.00 (declaration to be filed separately)</p> <p>Petitioners state after payment of fees and expenses as prayed, the amount remaining is \$45,462.68 to be paid to John Albert Edie, Jeffrey Nass, and Tomassian, Pimentel &amp; Shapazian for full consideration pursuant to the settlement agreement for Civil Case 12CECG03015. See receipt filed 7-9-14.</p>	

**Reviewed by:** skc  
**Reviewed on:** 8-12-14  
**Updates:**  
**Recommendation:**  
**File 2 – Rutherford**

## Page 2 – NEEDS/PROBLEMS/COMMENTS:

Need amended petition based on the following:

1. Need I&A per Probate Code §8800. Note: Petitioner states the I&A, when filed, will reflect that no assets were marshaled; however, pursuant to the Settlement Agreement entered into between this estate and the Estate of James Rutherford and approved by the Court on 3-12-13 in 12CEPR00016, certain assets were deemed assets of this estate. Therefore, a no-asset inventory does not appear to be correct. The settlement agreement provided in relevant part that:
  - Each estate was to retain any and all life insurance proceeds payable to the respective decedent (Were there life insurance proceeds to inventory?)
  - Proceeds from the sale of the residence was deemed an asset of James' estate
  - Proceeds from the estate sale were to be divided between the two estates
  - Sharon's estate was to retain the insurance payoff for the vehicle involved in the collision, provided there was documentation establishing that she was the sole owner, or if they were both on title, proceeds to be split. (Was the vehicle Sharon's asset?)
  - Sharon's estate was to be responsible for payment of the creditor's claim filed by Ronald D. Jones in both estates, and in 12CESC01458
  - James' estate waived claim to two accounts at Union Bank (So were these accounts then assets of Sharon's estate?)

Therefore, pursuant to this agreement, it appears the I&A, when filed, should reflect the assets that were determined to belong to Sharon's estate.

Note: It appears that pursuant to this settlement agreement, Sharon's estate accepted \$46,505.42 from James' estate. Need clarification: Did this sum paid from James' estate represent some or all of the value of the assets mentioned above?

2. As noted above, pursuant to the Settlement Agreement, Sharon's Estate was to be responsible for payment of the creditor's claim filed by Ronald D. Jones in this estate on 7-10-12 and litigated in 12CESC01458 (later consolidated with James' estate 12CEPR00016). However, this petition does not address this claim at all other than to note that the claim was filed. Was this claim paid?

Need Allowance or Rejection of Creditor's Claim, and Notice of Hearing of this petition to the creditor if the claim remains unpaid per §11000, or receipt or withdrawal of the claim.

Note: Although the small claims case opened by the creditor was consolidated with James' estate, when James' estate was closed, the personal representative referred to the settlement agreement and noted that Sharon's estate was responsible for this claim.

3. Need detailed schedule of receipts and gains or losses with regard to the fee base of \$58,956.64 pursuant to Cal. Rules of Court 7.550(b)(6).
4. Need detailed schedule of costs of administration totaling \$1,721.24. Cal. Rules of Court 7.550(b)(7). (Exhibit "A" only states that the co-administrators each spent \$667.50 out of pocket, plus the vet and the locks, but there is no itemization of the \$1,335.00.)

SEE ADDITIONAL PAGES

## Page 3 – NEEDS/PROBLEMS/COMMENTS (Cont'd):

5. Petitioners state they spent \$335.24 on vet bills in connection with the decedent's cat, but do not provide itemization, and do not state why it was necessary. However, also, the Creditor's Claim filed by Ronald Dean indicated that he also spent a total of \$563.02 in vet and other expenses in connection with the cat.

The Court may require clarification as to why it was necessary for numerous parties to spend almost \$900 on this cat. Where is the cat? Or was it more than one? If the cat was taken in by someone, why are these expenses of administration rather than new pet-owner expenses? (Please note: Examiner understands rehoming expenses associated with decedents' pets (shots, supplies); however, the amounts noted here in total appear excessive.)

6. The Creditor's Claim filed by Ronald Dean also includes \$8,258.84 in funeral expenses, with itemization. Petitioners are requesting payment for their time spent on funeral arrangements. Need clarification.
7. Need separate itemization of extraordinary compensation requested. Cal. Rules of Court 7.703. The request should include sufficient detail to determine if the time spent was extraordinary in nature and which co-administrator performed which task.

Note: The itemization should include clarification regarding the request for compensation for time spent by Petitioners in consultation with their attorney Nancy LeVan, as well as 2 hours to "visit local attorney Polly (original attorney)."

Note: The itemization should include more specific detail regarding the numerous dates and time listed under "emailed/US Mail correspondence to attorney Dates, scanning documents (various docs, draft trust...), certified mail."

Note: There are line items for opening a bank account and making various deposits; however, opening and managing an estate bank account is associated with general estate administration (statutory) rather than extraordinary administration. Therefore, need clarification on revised itemization.

Note: Exhibit "A" is very confusing. The petition refers to Exhibit "A" for itemization regarding the request for extraordinary compensation; however, the total of Exhibit "A" is \$1,721.24, which is the figure requested for reimbursement of expenses of administration only. However, it appears to include list only time spent, totaling that amount. actual time and expenses.

8. Need attorney's declaration re request for extraordinary compensation. Cal. Rules of Court 7.703.

SEE ADDITIONAL PAGES

**Page 4 – NEEDS/PROBLEMS/COMMENTS (Cont'd):**

9. Petitioners state that John Albert Edie and Jeffrey Nass filed Civil Case 12CECG03015 against the Estate of James Rutherford 12CEPR00016, which included the Estate of Sharon Rutherford. That settlement included the following terms:

- Farmers Insurance to pay plaintiffs \$100,000.00
- Estate of Sharon Rutherford – all remaining proceeds represented to be over \$44,000.00
- Estate of James Rutherford - \$25,000.00

Receipt filed 7-9-14 indicates that \$45,462.68 was paid to John Albert Edie, Jeffrey Nass, and Tomassian, Pimentel & Shapazian from the estate pursuant to the terms of the settlement agreement. However, there are a couple of issues that require clarification:

- a. Petitioners state POH is \$58,956.64. Does that include the amount paid pursuant to the settlement agreement? If so, but the \$45,462.68 has already been paid per the receipt, then the POH would actually be \$13,493.96. Need clarification.
- b. The receipt is signed by Mr. Pimentel's assistant. The Court may require a receipt signed by the intended recipients or the attorney himself.
- c. Similar to the question regarding calculation of the fee base, it is unclear how this figure was calculated. If the POH is \$58,956.64, and all fees and costs are awarded as prayed, that would leave \$45,897.68 for distribution. Need clarification re the discrepancy.

**First and Final Account and Report of Status of Administration and Petition for  
Settlement Thereof; for Allowance of Statutory Attorney's and Executor's  
Compensation; for Reimbursement of Costs Advanced; and for Final Distribution**

<b>DOD: 11/30/2012</b>		<b>RICHARD W. KOONTZ</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting period: 11/30/2012 – 03/31/2014	
		Accounting - <b>\$679,579.19</b>	
		Beginning POH - <b>\$650,435.72</b>	
		Ending POH - <b>\$666,999.29</b>	
<b>Cont. from</b>		Executor (Statutory) - <b>\$16,541.50</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Executor Costs - <b>\$316.50</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Attorney (Statutory) - <b>\$16,541.50</b>	
<input type="checkbox"/>	<b>Inventory</b>	Costs (for taxes) - <b>\$3,000.00</b>	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
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<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>	02/21/13	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

**Distribution, pursuant to decedent's Will, is to:**

**Judy Gelene Koontz** – Real Property located at 234 East Hedges, Fresno, Ca.; household goods, 8304.6635 Shares of Franklin California Tax Free Income Fund; 1986.4785 Shares of Franklin Federal Tax Free Income Fund A.; 815.695 Shares of Franklin Templeton Mutual Shares CL-A.; 890.024 shares of Templeton Growth Fund A.; 1034.3545 Shares of Franklin U.S. Government Securities; 1402.953 shares of Franklin Utilities; 7205.361 Shares of Franklin Income Fund; 663.175 Shares of Investment Company of America; 965.221 Shares of Capital Income Builder ; \$27,336.60 from Chase Premier checking account and Chase Plus savings account as calculated in Schedules F and G and Proposed Distribution of Exhibit A; one half of any unused portion of the reserve for closing expenses and one-half of any property of the decedent of the Estate not now known or discovered.

**Please see additional page**

<b>Reviewed by:</b> LV
<b>Reviewed on:</b> 08/11/2014
<b>Updates:</b>
<b>Recommendation:</b> Submitted
<b>File 3 – Koontz</b>

**Richard W. Koontz** - 8304.6635 Shares of Franklin California Tax Free Income Fund; 1986.4785 Shares of Franklin Federal Tax Free Income Fund A.; 815.695 Shares of Franklin Templeton Mutual Shares CL-A.; 890.024 shares of Templeton Growth Fund A.; 1034.3545 Shares of Franklin U.S. Government Securities; 1402.953 shares of Franklin Utilities; 7205.361 Shares of Franklin Income Fund; 663.175 Shares of Investment Company of America; 965.221 Shares of Capital Income Builder ; \$63,836.60 from Chase Premier checking account and Chase Plus savings account as calculated in Schedules F and G and Proposed Distribution of Exhibit A; one half of any unused portion of the reserve for closing expenses and one-half of any property of the decedent of the Estate not now known or discovered.

<b>Jerry Campbell</b> <b>DOD: 8-4-00</b>     <b>Cont from 040914, 052114, 062514</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 5%;"></td><td style="width: 85%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>W</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td>✓</td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	W		Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p><b>KEVIN S. CAMPBELL</b>, beneficiary, is Petitioner.</p> <p>Petitioner states he is an income and principal beneficiary of <b>The Jerry W. Campbell and Billie J. Campbell Irrevocable Trust dated March 28, 1991</b>. The trust is irrevocable.</p> <p>Petitioner states <b>DAVID E. ASH</b> is the duly appointed and acting trustee. Petitioner states the trustee has not made any report of information whatsoever concerning the trust for the period starting with commencement of the trust on 3-28-91 until 8-3-00. For the period 8-3-00 until 2-1-09, the trustee provided incomplete and handwritten information (see attached copies). All of this incomplete and handwritten information is written so sloppily that it is difficult or impossible to comprehend. Moreover, because no information has been provided concerning the trust from 3-28-91 through 8-3-00, there is no context for understanding what little incomplete information has been provided.</p> <p>Petitioner states that on or about 7-1-13 Petitioner delivered by facsimile a written request for information pursuant to Probate Code §§ 16062 and 16063. To date, the trustee has failed and refused to prepare and provide Petitioner with the requested account.</p> <p><b>Petitioner prays for an order:</b></p> <ol style="list-style-type: none"> <li><b>1) Compelling David E. Ash as trustee to prepare and file with this Court an account of the trust since its commencement on 3-28-91, including copies of any and all documents that support, substantiate, or evidence any item set forth in the accounting;</b></li> <li><b>2) Instructing David E. Ash to petition this Court for the settlement of the account and give notice of the hearing on the petition;</b></li> <li><b>3) For such attorney fees and costs as may be allowable by law; and</b></li> <li><b>4) For all other orders the Court deems proper.</b></li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 4-9-14, 5-21-14, 6-25-14</b></p> <p><b>Minute Order 5-21-14:</b> Mr. Schorling with fill notice of hearing and declaration addressing Examiner Note issues. David Ash is ordered to be personally present at next hearing. The Court will send notice. Continued to 6-25-14.</p> <p><b>Minute Order 6-25-14:</b> Matter continued to 8-13-14. Parties present are ordered to appear on 8-13-14.</p> <p><b>As of 8-11-14, nothing further has been filed.</b></p> <p style="text-align: center;"><u><b>SEE ADDITIONAL PAGES</b></u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td><b>Reviewed by:</b> skc</td></tr> <tr><td><b>Reviewed on:</b> 8-11-14</td></tr> <tr><td><b>Updates:</b></td></tr> <tr><td><b>Recommendation:</b></td></tr> <tr><td>File 4 – Campbell</td></tr> </table>	<b>Reviewed by:</b> skc	<b>Reviewed on:</b> 8-11-14	<b>Updates:</b>	<b>Recommendation:</b>	File 4 – Campbell
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**Page 2**

**Note:** Petitioner Kevin Campbell is a beneficiary. The petition states the other beneficiaries are:

- Randall D. Campbell (Deceased)
- Ricky D. Campbell (Deceased)
- Keith J. Campbell – address provided
- Jennifer D. Campbell (Deceased)
- Scottie W. Campbell – address provided

Notice of Hearing filed 3-13-14 indicates mailing to David Ash, Keith J. Campbell, and Scottie W. Campbell.

**Examiner Notes requested clarification** on the dates of death for the deceased beneficiaries per local rule, and Petitioner provided the following information:

**Declaration filed 5-21-14 provides the following information:**

- Trustor Jerry W. Campbell died 8-4-00
- Trustor Billie J. Campbell is still alive
- Deceased beneficiary Randall Campbell died 1-4-07
- Deceased beneficiary Ricky Campbell died 4-20-09
- Deceased beneficiary Jennifer Campbell died 5-21-09

**Examiner Notes requested a complete list of all persons entitled to notice of this petition pursuant to Probate Code §17201.**

**Petitioner's Declaration filed 5-21-14 states:** Trustor Billie J. Campbell is still alive. Beneficiary Randall Campbell died on 1-4-07 leaving only two issue: Petitioner and Petitioner's brother Keith. Beneficiary Ricky Campbell died 4-20-09 leaving two children: Scottie W. Campbell and Jennifer D. Campbell. Jennifer D. Campbell died 5-21-09 survived by a minor child (name not included). Neither Petitioner nor Keith have issue. Petitioner states does not have mailing addresses for the children of Scottie W. Campbell or Jennifer D. Campbell. He attempted to obtain them from Trustor Billie J. Campbell; however, she did not return his calls or letter. Petitioner states Notice of Hearing was mailed to Trustee David Ash via certified mail, as evidenced by the receipt attached.

Notice of Hearing filed 6-2-14 indicates mailing to David Ash (via certified mail, receipt signed by Linda Ash, not David Ash, but also via Civil Subpoena personally served), and to Keith J. Campbell, Scottie W. Campbell, and Billie J. Campbell via regular first class mail.

**Examiner's Note: The declaration is not verified by the Petitioner, and although the declaration provides some family lineage, there is no statement providing the complete list of persons entitled to notice of this petition with addresses as requested and pursuant to §17201, and although, as previously noted, the trust appears to include spouses, no spouses are listed.**

**Therefore, a complete verified list of persons entitled to notice of this petition pursuant to §§ 17201, 17203 is still needed.**

**SEE ADDITIONAL PAGES**

**NEEDS/PROBLEMS/COMMENTS:**

1. **The following item remains per above discussion:** Probate Code §17201 requires the petition to list all persons entitled to notice. Petitioner lists the other living beneficiaries; however, need clarification: Does this list include all persons entitled to notice pursuant to §17203?

For example, it appears that according to the terms of the trust, spouses and issue of beneficiaries may also be entitled to notice. Some of the beneficiaries are deceased. Is anyone else entitled to notice?

2. **The attached copy of the trust is blank at various pertinent sections, such as the amount initially transferred, the appointment of a trustee, the amount initially received by the trustee, and Schedule A. Need clarification: Is a complete copy of the trust available?**
3. **According to the terms of the trust, the trust was to be split into six separate trusts for each beneficiary upon the deaths of the trustors. However, Petitioner appears to be requesting accounting for the original trust since its inception through the present.**

**The Court may require clarification regarding the requested account period and for which trusts.**

4. **Examiner Notes previously stated:** Probate Code §17000(b)(7)(B) allows petition under this section if the trustee has failed to provide the requested information within 60 days after the beneficiary's **reasonable written request**.

Petitioner states he faxed a request to the trustee on or about July 1, 2013, and to date the trustee has failed and refused to prepare and provide the requested account.

However, the copy of the letter at Exhibit C does not indicate any fax number or designation (i.e., "sent via facsimile") or fax confirmation data on the page, and Petitioner also does not indicate whether the communication was followed up via regular or certified mail, or telephone call, or whether he was able to confirm receipt of the fax.

Further, the copies of the ledger information provided by the trustee appear to be dated as late as November 2013, which is after the date of the request. This indicates that the copies may have been provided in response to the request.

If so, need clarification as to whether reasonable written request was made after receipt of the ledgers in response to the letters, providing time for response pursuant to Probate Code §17000(b)(7)(B).

**Declaration of Attorney Schorling filed 5-21-14 (not verified by the Petitioner) states** that subsequent to the July 1, 2013 written request, Petitioner has had at least a half dozen conversations with David Ash, in person and by telephone, reiterating his request for an accounting.

5. **The proposed order includes his filing costs and attorney fees in the amount of \$1,500.00. The Court may require an itemized declaration regarding the fees from the attorney.**

Atty Pruett, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)

Atty Camenson, David M. (for Margaret Courtis – Objector)

Atty Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)

Petition to Appoint Successor Trustee of Bypass Trust and Grandchildren's Trust  
and for Instructions

Henry Boyajian DOD: 10-18-01	PHYLLIS BRANCHE, daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:																																														
Margaret Boyajian DOD: 10-29-13																																																
Cont: 041014, 071614	<p><b>Petitioner states</b> Henry and Margaret Boyajian established the trust on 4-9-97 and amended and restated the trust on 9-23-99. After Henry's death on 10-18-01, Margaret became the sole trustee and pursuant to the trust created and funded the Survivor's Trust with the surviving trustor's share of the community property and a portion of the deceased trustor's share equal to the minimum necessary to eliminate estate taxes (the marital deduction amount) and the Bypass Trust with the remaining trust property. The Survivor's Trust was then amendable; however, the Bypass trust was irrevocable. After the death of the surviving trustor, the assets of the Survivor's Trust were to be added to the Bypass Trust and distributed as follows:</p> <p>1) Real property on Nebraska Avenue in Selma to Jeffrey Boyajian;</p> <p>2) \$400,000 in securities or cash to Petitioner in trust for each of the three grandchildren, Andrew Boyajian Branch, Cody Branche Boyajian, and Alan Boyajian Branche, pursuant to a specified formula; and</p> <p>3) The remainder to Petitioner and Margaret Courtis in equal shares.</p>	<p><b>Minute Order 7-16-14:</b> Counsel reports that the matter was settled last night at mediation. Matter continued to 8-13-14 as a placeholder only.</p> <p><b>Status Report filed by Attorney Burnside states the draft petition for settlement, appointment of a successor trustee, and modification of the trusts is expected to be filed by the end of August.</b></p> <p>1. Petitioner states the principal place of administration is Fresno County; however, the Successor Trustee, Jeffrey Boyajian, appears to reside in San Leandro, CA, which is Alameda County. Therefore, need clarification re Fresno as proper venue with reference to Probate Code §17005.</p> <p>2. Petitioner states the names and addresses of the beneficiaries or trustees; however, Petitioner does not state that these are all of the persons <u>entitled to notice</u> pursuant to Probate Code §§ 17201, 17203, 851. The Court may require a verified declaration that this list contains all of the persons <u>entitled to notice</u>.</p> <p>3. Need copies of trust and amendments. Petitioner states copies of the relevant documents are attached; however, there is nothing attached to the petition.</p> <p><b>Note:</b> Respondent Jeffrey Boyajian provided a copy of the Third Amendment only.</p> <p>4. Petitioner requests appointment of herself and Margaret Courtis as co-successor trustees of the Bypass Trust. Need consent of Margaret Courtis.</p> <p>5. Need order.</p>																																														
<table border="1"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>✓ Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>✓ Notice of Hrg</td><td></td></tr> <tr><td>✓ Aff.Mail</td><td>W</td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>✓ Pers.Serv.</td><td>W</td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>✓ Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td>X</td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>			Aff.Sub.Wit.		✓ Verified		Inventory		PTC		Not.Cred.		✓ Notice of Hrg		✓ Aff.Mail	W	Aff.Pub.		Sp.Ntc.		✓ Pers.Serv.	W	Conf. Screen		Letters		Duties/Supp		✓ Objections		Video Receipt		CI Report		9202		Order	X	Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice	
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## Page 2

**Petitioner states** on 12-21-07, the Surviving Trustor amended the Restatement as to the Survivor's Trust (the First Amendment). On 8-18-07, the Surviving Trustor again amended the Survivor's Trust (the Second Amendment), which Second Amendment revoked the First Amendment, and also:

- Confirmed the specific bequest of real property to Jeffrey Boyajian;
- Concedes that the \$400,000 specific bequest by the Trustors jointly to the grandchildren is irrevocable; and
- Contrary to the dictates of the trust regarding final distribution and regarding the trustee, and despite conceding the irrevocability of the specific bequests to the grandchildren, Surviving Trustor purports to modify the specific bequests by
  - 1) replacing Petitioner as trustee for the grandchildren with a committee comprised of Petitioner, Margaret Courtis, and Jeffrey Boyajian, and
  - 2) modifying the specified formula for distributions;
- Contrary to the dictates of the trust and despite conceding the irrevocability of the provisions of the restatement, Surviving Trustor purports to revoke the distribution of the remainder of the trust to Petitioner and Margaret Courtis by instead giving them a specific bequest of \$1 million each, with the remainder to Jeffrey Boyajian;
- Surviving Trustor purports to state that the provisions of the Second Amendment control over any conflicts between the language of the Restatement and the Second Amendment.

Petitioner states on 6-25-10, and contrary to the dictates of the trust regarding successor trustees of the Bypass Trust, Surviving Trustor executed a Third Amendment that purports to revoke the nomination of Petitioner and Margaret Courtis as successor co-trustees of the Bypass Trust and replace them with Jeffrey Boyajian.

The Surviving Trustor passed away on 10-29-13 and since her death, Jeffrey Boyajian has been acting as the successor trustee of the Survivor's Trust and the Bypass Trust.

Based on the many inconsistencies among the language of the Restatement and the Second and Third Amendments, Petitioner requests instructions from this Court as follows:

Petitioner states the Surviving Trustor clearly had no authority to modify the provisions of the Restatement as to the successor trustee of the Bypass Trust. As such, Petitioner requests that Jeffrey Boyajian be removed as successor trustee and that Petitioner and Margaret Courtis be appointed as successor co-trustees of the Bypass Trust.

There exists a conflict between the Restatement and the Second Amendment as to the final disposition of the trust corpus. Petitioner states the Deceased Trustor's intent was clear that Jeffrey Boyajian receive the property, the grandchildren receive \$400,000 each, and Petitioner and Margaret Courtis share the remainder. It is Petitioner's position that while the Surviving Trustor had the authority to amend the Survivor's trust, she breached the Restatement and did not have the power to modify the dispositive provisions as to the Deceased Trustor's share of the community property, which became his separate property pursuant to Probate Code § 100 by reason of his death. Petitioner states that because the Surviving Trustor concedes that the \$400,000 specific bequest is irrevocable, such irrevocability must also apply to the dispositive provision of such specific bequests.

As such, Petitioner requests that this Court order that Jeffrey Boyajian, as successor trustee of the Survivor's Trust, to return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the Bypass Trust.

**SEE ADDITIONAL PAGES**

**Page 3**

Because the \$400,000 for each of the grandchildren is to be held in trust, the Second Amendment is contrary to the Restatement in wrongfully modifying the trustee of the grandchildren's trusts. While the Surviving Trustor had the ability to modify the Survivor's Trust, she did not have the power or right to modify the dispositive provisions of the Deceased Trustor's share of the community property, including naming the trustee of the grandchildren's trusts. Petitioner again points to the concession that the \$400,000 bequests are irrevocable, and as such, the irrevocability must apply to the appointment of the trustee. Therefore, Petitioner requests that she be appointed as trustee of the grandchildren's trust and to distribute pursuant to the Restatement.

**Petitioner prays for an order as follows:**

- 1. Finding that all facts stated in the petition are true and all notices required by law have been duly given;**
- 2. Removing Jeffrey L. Boyajian as successor trustee of the Bypass Trust and appointing Petitioner and Margaret Courtis as successor trustees of the Bypass Trust;**
- 3. That Jeffrey L. Boyajian as successor trustee of the Survivor's Trust return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the dictates of the Bypass Trust;**
- 4. That Petitioner be appointed as trustee of the Grandchildren's trust; and**
- 5. For such other orders as the Court considers proper.**

**Maggie Courtis' Objection states** the amendments are valid and Jeffrey Boyajian is the proper successor trustee of the Byapss Trust and the grandchildren's trusts. The amendments were made with the assistance of legal counsel (Attorney Jeff Wall). The purpose of the amendment was to create a "zero tolerance" threshold for recipients of the grandchildren's gifts to ensure that the recipients have not engaged in substance abuse for at least three years. The Third Amendment appointing Jeffrey Boyajian as successor trustee of both trusts was also made with the assistance of Jeff Wall as counsel, and Jeffrey Boyajian has been serving as such since 10-29-13.

Objector states the Bypass Trust was funded with the Selma Property and about \$656,000 of securities. The specific gift of the property to Jeffrey Boyajian is not at issue. Therefore, the assets of the Bypass Trust are insufficient to gift \$400,000 to each of the three other grandchildren. Plain and simple, Petitioner is attempting to obtain more money than the amendments provide. The money would come from the Survivor's Trust, which is agreed to be amendable/revocable. Margaret Boyajian only amended the Survivor's Trust. Her intent is clear and should not be frustrated. Applying Petitioner's reasoning to the interpretation of the amendments would completely dismiss Margaret Boyajian's intent with respect to the distribution, which is that the balance of the \$400,000 each is subject to the condition of being drug-free, something that Petitioner (their mother) does not deem an appropriate restriction.

**No-contest clause:** Objector states that if a beneficiary under the Restated Trust shall contest in court the validity or seek adjudication that the Restated Trust or any of its provisions is void or set aside any provisions, then the right of that person shall be determined as if predeceased without leaving issue. Petitioner is seeking to void or set aside the provisions of the Restated Trust as set forth in its amendments; therefore, her right is to be eliminated.

**Objector prays for an order that:**

- 1. The Restated Trust amendments are valid with respect to Trust A (Survivor's Trust) assets;**
- 2. Only Trust B (Bypass Trust) assets are subject to the irrevocability language of the Restated Trust;**
- 3. Trust B assets consisted only of the Selma Property and 94,406 shares of the Franklin Fund Securities at the death of Margaret Boyajian;**
- 4. Jeffrey Boyajian is the proper successor trustee of all trusts created under the Restated Trust;**
- 5. Petitioner has invoked the "No Contest" provisions of the Restated Trust with the filing of this petition and there is no longer a proper beneficiary of the trusts established pursuant to the Restated Trust.**

**SEE ADDITIONAL PAGES**

**Dept. 303, 9:00 a.m. Wednesday, August 13, 2014**

## Page 4

**Jeffrey Boyajian's Response states** Petitioner is seeking instructions regarding who is the proper trustee of the trust shares to be established for her three adult sons. Respondent understood that he had been appointed to serve with Margaret Boyajian as co-trustee and as sole successor trustee pursuant to the Third Amendment (attached). Respondent is uncertain whether the First and Second Amendments validly nominated him as successor trustee of the Bypass Trust; however, is informed and believes that the Bypass Trust was not subject to amendment. As noted; however, pursuant to the Third Amendment, he was nominated and served with Margaret Boyajian as co-trustee.

Respondent states that in the Second Amendment, Margaret Boyajian stated her understanding of the irrevocability of the Bypass Trust, but further stated her intent to modify the dispositive provisions of the Survivor's Trust as to her grandchildren Andrew, Cody, and Alan. It is unclear whether the \$400,000 gift to each of them applied only in the event of the combination of the Survivor's Trust with the Bypass Trust, or if the trusts were not combined, to what extent, if any, would that affect the amount of the bequests/distributions to be made to them.

Mrs. Boyajian was concerned about her grandchildren's ability to responsibly manage their inheritance and instructed her attorney to prepare amendment directing a committee to consider distributions. In doing so, she attempted to modify the formula, which changes pertain to the Survivor's Trust. It is unclear if the \$400,000 gift to each of the three grandchildren applied only in the event assets were combined, etc.

Mrs. Boyajian had the authority to amend the Survivor's Trust such that both Petitioner and Margaret Courtis could potentially receive no assets from the Survivor's Trust if they received from other sources, including, but not limited to the Bypass Trust, life insurance proceeds, or other assets) the sum of \$500,000 each.

Mrs. Boyajian had the authority to amend the Survivor's Trust to name Respondent as beneficiary of said sub-trust.

Mrs. Boyajian intended the provisions of the Second Amendment to apply to the Survivor's Trust and desired to appoint Respondent with her as co-trustee, as she was in need of assistance at that time. Respondent has been administering the assets of the trust as he understood it was his responsibility to marshal and administer the assets for all beneficiaries.

Respondent states instructions would be appropriate as to the administration and disposition of the trust. Petitioner and Margaret Courtis are nominated as successor co-trustees; however, instructions are needed as to whether Mrs. Boyajian had authority to change the nomination with the Amendments.

**Respondent states** he does not know whether he is required under the Second Amendment to combine the assets of the Survivor's Trust with those of the Bypass Trust prior to final distribution, particularly if the funding of the Survivor's Trust was conducted in accordance with the terms of the Restated Trust and with regard to the amendments. If not combined, to what extent is the amount of the bequests to the grandchildren (\$400,000 each) affected?

**Respondent agrees that instructions are needed regarding the application of the Second and Third amendments and their scope and effect on beneficiaries.**

**Respondent therefore requests that this matter be set for evidentiary hearing to consider all evidence and make any and all further orders the Court may deem just and proper.**

**Petitioner filed a Response to Ms. Courtis' Objection of on 4-10-14 and requests that the petition be approved as prayed. See Response for details.**

## Petition to Determine the Validity of the Eighth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement

<b>Stanley Murray</b> <b>DOD: 3-6-09</b>		<b>ROBYN ESRAELIAN</b> , Successor Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 6-18-14</b>  <b>Also set for status hearing. See Page B.</b>
<b>Margaret Murray</b> <b>DOD: 2-7-14</b>			
		<b>Petitioner states</b> Stanley and Margaret Murray, husband and wife as Trustors, established the Murray 1996 Revocable Trust Agreement on 7-30-96 (the Trust). Stanley and Margaret amended and restated the terms of the trust on four occasions prior to 12-3-98.	
<b>Cont. from 061814</b>		On 12-3-98, Stanley and Margaret again amended and restated the Trust in its entirety with their execution of a document entitled Fifth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (5 <sup>th</sup> Amended Trust).	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Stanley died on 3-6-09 and Margaret executed an Affidavit – Death of Trustee on 3-29-09, recorded on 4-6-09. As a result of Stanley's death, Margaret became the sole acting Trustee of the Trust.	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	On 9-16-11, Margaret, as sole surviving Trustor, amended the trust in its entirety and restated the Trust with her execution of a document entitled Sixth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (6 <sup>th</sup> Amended Trust).	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	On 10-19-12, Margaret, as sole surviving Trustor, again amended the trust in its entirety and restated the Trust with her execution of a document entitled Seventh Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (7 <sup>th</sup> Amended Trust).	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>	Margaret died on 2-7-14, and Petitioner, as Successor Trustee, sent notification pursuant to §16061.7 and a copy of the 8 <sup>th</sup> Amended Trust to all beneficiaries. The Trust is now irrevocable.	
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input checked="" type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

## Page 2

**Petitioner states DANIEL ANDREW MURRAY**, a child of Stanley, was a remainder beneficiary of the Trust under the 5<sup>th</sup> Amended Trust; however, under the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> Amended Trusts, he is essentially disinherited. In a letter dated 3-20-14, counsel for Daniel contends that the trust can only be amended by written agreement signed by both trustors, and that since the 8<sup>th</sup> amendment was not signed by Margaret only, after Stanley's death, it is invalid.

Daniel contends that the 5<sup>th</sup> Amended Trust, as the last instrument signed by both Stanley and Margaret, is valid and that he is entitled to a distribution pursuant to the 5<sup>th</sup> Amended Trust.

Petitioner contends that the 8<sup>th</sup> Amended Trust is valid and that upon termination, the net distributable residuary estate should be distributed pursuant to the 8<sup>th</sup> Amended Trust.

**Petitioner prays for an order declaring that the 8<sup>th</sup> Amended Trust is valid and directing her, as Successor Trustee of The Murray 1996 Revocable Trust to distribute the residuary trust estate pursuant to Article Five, Paragraph B3 of the 8<sup>th</sup> Amended Trust.**

---

**Daniel Murray filed an Objection on 6-12-14. Objector states:**

Stanley had three (3) children before his marriage to Margaret: Daniel Andrew Murray (Objector), Morgan Steven Murray, and Phillip Stanley Murray. Margaret had two children before her marriage to Stanley: Eugenia Kay Stott, and Wayne Stott (predeceased, no issue).

At the time Stanley and Margaret married, Stanley had a large real property ranch that was his separate property. That ranch was sold prior to his death, and made up the majority of trust assets.

Objector states that he, his two siblings, and Margaret's daughter were always the equal beneficiaries of the Trust while Stanley was alive. After Stanley's death, for no reason known or disclosed to Objector, Margaret by herself and against Stanley's written wishes decided to remove Objector as a beneficiary and augment her own daughter's share through subsequent amended trusts.

Objector contends that not only are the subsequent amended trusts signed after Stanley's death invalid per the terms of the 5<sup>th</sup> Amended Trust, but also that Stanley would never have agreed to the subsequent amended trusts signed by Margaret after his death.

Pursuant to the language in Article Seven of the 5<sup>th</sup> Amended Trust: the "Trustors may at any time **during their lifetime** amend any terms of this trust by written instrument **signed by the Trustors** and delivered to the Trustee." The

Trust could only be amended during both Stanley and Margaret's lifetime with a written instrument signed by both of them. The language absolutely does not allow one Trustor to amend the Trust after the death of the other.

If the Trustors wanted to allow the surviving Trustor to amend the 5<sup>th</sup> Amended Trust, then Article Seven would have said something to the effect of "during the lifetime of either Trustor" (See *In Re Estate of Powell* (2000) 83 CA4th 1434).

Since the 6<sup>th</sup> Amended Trust is only signed by Margaret, it is invalid.

**SEE ADDITIONAL PAGES**



**Page 3**

**Objector states** if the 8<sup>th</sup> Amended Trust is found valid it only changes the distributive provisions for Margaret's portion of the trust estate contributed by her, and pursuant to Probate Code §15401(b)(1) and *In Re Estate of Powell* (2000) 83 CA4th 1434, Stanley's trust estate contribution should be distributed pursuant to the 5<sup>th</sup> Amended Trust.

**Objector prays for an order as follows:**

- 1) Denying the Petition to Determine Validity of the 8<sup>th</sup> Amended Trust in its entirety;**
- 2) Declaring that the 5<sup>th</sup> Amended Trust is valid;**
- 3) Directing Petitioner as Successor Trustee of the Murray 1996 Revocable Trust to distribute the trust estate pursuant to Article Six of the Fifth Amended Trust; and**
- 4) For such other orders as the Court may deem proper.**

	<b>ROBYN ESRAELIAN</b> , Successor Trustee, filed a petition on 5-2-14 to determine the validity of the 8 <sup>th</sup> Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement.		<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Aff.Sub.Wit.</b>		
	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

<b>DANIEL MURRAY</b> filed an Objection on 6-12-14.		
See Page A for details.		
On 6-18-14, the Court continued the matter to 8-13-14 and also set this separate status hearing.		

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 8-11-14
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 6B – Murray</b>

**Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 2/19/2014</b>	<b>CHARLES (CHAD) L. ROBINSON</b> , son,		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> <i>First Amended Petition for Probate of Lost Will</i> was filed on 8/6/2014, and is set for hearing on <b>9/9/2014</b> . Continuance of the instant <i>Petition for Letters of Administration</i> to 9/9/2014 could avoid the necessity of the Petitioner having to re-publish for the instant <i>Petition</i> . However, under the instant circumstances, republishing of the <i>First Amended Petition for Probate of Lost Will</i> is <u>necessary for the 9/9/2014 hearing date</u> pursuant to CA Rule of Court 7.53, which requires the same publication for amended pleadings as for the pleading it amends. Petitioner will need to file an <i>Affidavit of Publication</i> pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9 for the <i>First Amended Petition for Probate of Lost Will</i> filed 8/6/2014.  <b>Continued from 6/24/2014. The following issues from the last hearing remain:</b> 1. Item 5(a)(7) of the <i>Petition</i> states there exists issue of a predeceased child. Item 8 of the <i>Petition</i> lists grandchildren, great grandchildren, and great-great grandchildren of Decedent. <i>Attachment 3(d)(3)</i> of the <i>Petition</i> states <b>DONNA McBEE</b> , daughter, predeceased the Decedent on 9/22/2010. However, <i>Attachment 3(d)(3)</i> of the <i>Petition</i> indicates that the Petitioner is the only surviving heir at law of Decedent entitled to receive Decedent's estate property according to intestate succession. Pursuant to Probate Code §§ 6402 and 240, need the names of the issue of the predeceased child of Decedent, who are entitled to a share of the Decedent's estate under intestate succession.  2. Need waivers of bond from all persons entitled to distribution, or bond posted of <b>\$170,000.00</b> .
	is Petitioner and requests		
	appointment as Administrator		
	without bond.		
<b>Cont. from 062414</b>	Full IAEA      —      OK		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Decedent died intestate.		
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>	Residence      —      Fresno		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Publication      —      Business Journal		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	<b>Estimated value of the Estate:</b>		
	Personal property	<b>\$170,000.00</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>	<b>Total</b>	<b>\$170,000.00</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>	Probate Referee: <b>Steven Diebert</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input checked="" type="checkbox"/> <b>FTB Notice</b>			

DOD: 5/20/08		LEONARD ROSS TRUJILLO, son, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD.	
		No other proceedings.	
Cont. from		Decedent died intestate.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory	I & A - \$55,000.00	
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Petitioner requests Court determination that decedent's 100% interest in real property pass to petitioner pursuant to intestate succession.	
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 8/11/14
	UCCJEA		Updates:
	Citation		Recommendation: SUBMITTED
	FTB Notice		File 8 – Trujillo

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 06/08/14</b>		<b>LAWRENCE N. BOLINGER,</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The proof of service by mail on the Notice of Petition to Administer Estate is not signed. Need signed Proof of Service by mail.  <b>Note: If the petition is granted, status hearings will be set as follows:</b>  • <b>Wednesday, 08/14/15 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b> • <b>Wednesday, 10/14/15 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
		brother/named Executor without bond, is Petitioner.	
<b>Cont. from</b>		Full IAEA – OK	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	S/P	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>	x	
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 4/6/2007</b>		<p><b>ELISA T. SIMPSON</b>, daughter, is petitioner and requests appointment as Administrator without bond.</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate.</p> <p>Residence: Orange Cove Publication: Fresno Business Journal</p> <p><b>Estimated value of the estate:</b> Real property - \$60,000.00</p> <p><b>Probate Referee: Steven Diebert</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need waiver of bond from beneficiary Antonio Tristian, Jr. or bond in the amount of \$60,000.00.</li> <li>2. Need date of death of deceased spouse. Local Rule 7.1.1D.</li> <li>3. Need Duties and Liabilities.</li> <li>4. Need supplement to the Duties and Liabilities.</li> <li>5. Need Order.</li> <li>6. Need Letters.</li> </ol> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Wednesday, September 10, 2014</b> at 9:00 a.m. in Department 303, for the filing of the bond (if required).</li> <li>• <b>Wednesday, December 10, 2014</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li>• <b>Wednesday, September 16, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/o		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b> X		
<input type="checkbox"/>	<b>Duties/Supp</b> X		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b> X		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 8/12/14</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10 – Escobar</b></p>	

11 Cathleen Hawk (CONS/PE)  
 Atty Sanoian, Joanne (for Carl Hawk – Conservator)  
 Atty Rindlisbacher, Curtis D. (Court Appointed for Conservatee)

Case No. 11CEPR00850

Probate Status Hearing Re: Failure to File Inventory and Appraisal; Failure to File First Account

Age: 51	<p><b>CARL HAWK</b>, husband, was appointed Conservator of the Person and Estate on 10/27/11.</p> <p><b>Letters of Conservatorship</b> were issued on 10/28/11.</p> <p><b>Inventory &amp; Appraisal was due in March 2012.</b></p> <p><b>The First Account was due in October 2012.</b></p> <p><b>Status Hearing Report filed 06/20/13 states:</b>          The conservatee is to receive a profit sharing distribution from her previous employment at Simonian Packing Company. No distributions have been made to the conservatee as of yet and the conservator has been informed that there is an ongoing investigation by the Department of Labor arising from complaints with the profit sharing plan. Eric Tristan, investigator with the Department of Labor stated on 06/20/13 that the investigation is still on-going. He further indicated that it is a large investigation involving numerous parties, but that he is hopeful it will resolve soon. As the investigation is still ongoing, the conservator has still not been able to take possessions of any assets of the conservatorship estate and therefore is unable to file an Inventory &amp; Appraisal or Accounting. A continuance of 90 days is requested.</p> <p><b>Status Hearing Report filed 09/25/13 states:</b>          According to Eric Tristan, the Department of Labor investigator handling the investigation regarding the proposed conservatee's profit sharing plan, the investigation remains ongoing and there is no set date that the investigation will be resolved, but he hopes it will be in the near future. Petitioner therefore requests a 90 day continuance.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 05/15/14</u></p> <p>As of 08/11/14, nothing further has been filed in the matter and the following items remain outstanding:</p> <ol style="list-style-type: none"> <li>1. Need Inventory &amp; Appraisal.</li> <li>2. Need First Account and Report of Conservator.</li> </ol>	
Cont. from 022213, 062813, 092713, 011614, 051514			
Aff.Sub.Wit.			
Verified			
Inventory			X
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 08/11/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11 - Hawk</b></p>			

**12 Jennifer Medrano, Hazel Medrano, Sally Medrano, Amy Medrano, Mike Medrano (GUARD/P)**

**Case No. 11CEPR00789**

**Atty Estrada, Naborina (Pro Per – Petitioner- Maternal Grandmother)**

**Petition for Visitation**

<b>Jennifer Age: 16</b>	<b>NABORINA ESTRADA</b> , maternal grandmother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order of 07/14/2014:</b> Also present in Court is Joanna Cruz. Christina Medrano is sworn and interprets for Rufina Reynoso. With respect to visitation, the Court orders that Jennifer continue to stay with the maternal grandmother and the remaining children be returned to the guardian. The Court orders that there be no drugs or alcohol at any of the locations where the children are residing. The maternal grandmother is ordered to transport Jennifer to Fresno for scheduled appointments. The order includes, but is not limited to the appointment currently scheduled for 07/31/2014. The Court Investigator is ordered to conduct a further investigation.  <b>Minute Order of 06/02/2014:</b> Joanna Cruz is sworn and interprets for the petitioner. Ms. Reynosa is being assisted by an interpreter. The Court dispenses with further notice to father noting that he is out of the country. The Court Investigator is ordered to conduct an investigation of the current guardianship. Additionally, the Court Investigator is ordered to contact CPS regarding and investigation into the well-being of the children. Parties agree to participate in mediation today at 12:30pm regarding the issue of the visitation.
<b>Hazel Age: 12</b>		
<b>Sally Age: 8</b>	<b>RUFINA SANTAMARIA REYNOSO</b> , paternal grandmother, was appointed guardian on 12/13/2011.	
<b>Amy Age: 6</b>	Father: <b>ARTEMIO MEDRANO SANTAMARIA</b> , Court dispensed with notice pursuant to minute order dated 06/02/2014	
<b>Mike Age: 4</b>	Mother: <b>EDITH GARCIA</b> , Deceased	
<b>Cont. from 060214, 071414</b>	Paternal Grandfather: Guillermo Medrano	
<b>Aff.Sub.Wit.</b>	Maternal Grandfather: Felipe Garcia	
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Petitioner states:</b> the mother of the children died in 2010. The father has been deported since October 2013. Petitioner alleges that the children do not reside with their paternal grandmother they reside with their paternal uncle. Petitioner is requesting the custody of the children. Petitioner states that she has observed the children to be living in a garage and they do not have any supervision. Petitioner states she is capable of taking care of her grandchildren.	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	X	
<b>Aff.Mail</b>	X	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>	X	
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<b><u>Please see additional page</u></b>		



**Court Investigator Charlotte Bien's report filed 06/08/2014.**

**Court Investigator Charlotte Bien's supplemental report filed 08/01/2014.**

**NEEDS/PROBLEMS/COMMENTS continued:**

1. Need Notice of Hearing.
2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Visitation on:
  - Rufina Santamaria Reynoso (Guardian)
  - Guillermo Medrano (Paternal Grandfather)
  - Felipe Garcia (Maternal Grandfather)
  - Jennifer Medrano (Minor)
  - Hazel Medrano (Minor)

<b>Age: 2</b>	<b>JULIAN C. VALENCIA, SR.</b> , father, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Jessica Valencia (mother) b. Catherine Davis (maternal grandmother)
	<b>CHRISTINE MARTINEZ</b> , paternal grandmother, was appointed as Guardian of the Person on 09/03/13. – <i>personally served on 07/02/14</i>	
<b>Cont. from</b>	Mother: <b>JESSICA VALENCIA</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandfather: HENRI VALENCIA – <i>deceased</i>	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Maternal grandfather: JESUS VALDIVIA – <i>deceased</i>	
<input type="checkbox"/> <b>Not.Cred.</b>	Maternal grandmother: CATHERINE DAVIS	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>	<input checked="" type="checkbox"/> <b>Petitioner states</b> that he can provide a good home for his daughter. He states that he has a stable place to live and steady income.	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/> <b>Pers.Serv.</b>	<b>Court Investigator Charlotte Bien filed a report on 07/22/14.</b>	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 08/11/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 13 – Valencia</b>

Atty Shabazz, Keisha (pro per – maternal cousin/guardian)

Atty Martin, Marilyn (pro per – maternal grandmother/Petitioner)

## Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Age: 7		<b><u>GENERAL HEARING: 10/07/14</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>		
		MARILYN MARTIN, maternal grandmother, is Petitioner.		<p><b>Note:</b> There currently is a guardianship in place regarding this minor. Petitioner has filed a Petition for Termination of Guardianship that is set for hearing on 10/07/14, the same date as the hearing on Petitioner's general guardianship petition. Due to a guardianship already being in place regarding this minor, it does not appear that this temporary petition is appropriate.</p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> <li>a. Keisha Shabazz (guardian)</li> <li>b. Father</li> </ul> </li> </ol>		
		KEISHA SHABAZZ, maternal cousin, was appointed guardian of the minor on 03/24/14.				
Cont. from		Father: <b>UNKNOWN</b>				
	Aff.Sub.Wit.	Mother: <b>LA SHONDRA HARDEMAN</b> – Consent & Waiver of Notice filed 08/04/14				
✓	Verified	Paternal grandparents: UNKNOWN				
	Inventory	Maternal grandfather: RICKY HARDEMAN – deceased				
	PTC	<p><b>Petitioner alleges</b> [temporary petition does not state a reason that temporary guardianship is necessary]. Petition for guardianship alleges that Je'Tai is being abused by an aunt and 12 year old cousin who lives with him. Petitioner alleges that she has told the guardian about the abuse, but she does not believe her and does nothing to stop it. Petitioner alleges that the guardian is away from home frequently working and does not see the abuse. Petitioner further alleges that the 12 year old cousin has exposed Je'Tai to inappropriate photographs and shown him where to look at these inappropriate pictures on a phone.</p>				
	Not.Cred.					
	Notice of Hrg					x
	Aff.Mail					
	Aff.Pub.					
	Sp.Ntc.					
	Pers.Serv.					x
✓	Conf. Screen					
✓	Letters					
✓	Duties/Supp					
	Objections					
	Video Receipt					
	CI Report					
	9202					
✓	Order					
	Aff. Posting					
	Status Rpt					
✓	UCCJEA					
	Citation					
	FTB Notice					
				Reviewed by: JF		
				Reviewed on: 08/12/14		
				Updates:		
				Recommendation:		
				File 14 – Hardeman		

Pro Per Dassori, Edward J. (Pro per Petitioner)

## Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 10/19/2013	EDWARD J. DASSORI, son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		<b>Continued from 7/2/2014.</b> Minute Order [Judge Black] states: No appearances. Matter continued to 8/13/2014. Edward Dassori is ordered to be personally present on 8/13/2014.
Cont. from 070214	40 days since DOD	<b>Clerk's Certificate of Mailing filed 7/3/2014</b> shows a copy of the Minute Order dated 7/2/104 was mailed to Edward Dassori on 7/3/2014.
Aff.Sub.Wit.		<b>The following issues from the last hearing remain:</b>
✓ Verified	Other proceedings commenced; <b>need required information</b>	
Inventory	X	1. <i>Petition</i> was filed with a fee waiver. Filing fees are due prior to distribution of property from an estate. Therefore, filing fee of <b>\$435.00</b> is due prior to the order for distribution being processed for Petitioner.
PTC		
Not.Cred.		2. Need proof of mailed service of the <i>Notice of Hearing</i> for all persons listed in Item 14 of the <i>Petition</i> pursuant to Probate Code § 13153.
Notice of Hrg	X	
Aff.Mail	X	3. Item 1 of the <i>Petition</i> does not indicate that personal property is included in Petitioner's request; however, personal property is stated on <i>Attachment 11</i> as part of Petitioner's request.
Aff.Pub.		
Sp.Ntc.		4. Item 2a and 2b of the <i>Petition</i> is incomplete regarding date and place of Decedent's death.
Pers.Serv.		
Conf. Screen		5. Item 5 of the <i>Petition</i> states Decedent died testate and a copy of the Will and any Codicil is affixed as <i>Attachment 5 or 12a</i> . (Item 12 of the <i>Petition</i> is incomplete regarding a Will of Decedent.) <i>Petition</i> does not but should include a copy of Decedent's Will and any Codicil as an attachment. <b>~Please see additional page~</b>
Letters		
Duties/Supp		<b>Reviewed by:</b> LEG
Objections		
Video Receipt		<b>Reviewed on:</b> 8/12/14
CI Report		
9202		<b>Updates:</b>
Order	X	
Aff. Posting		<b>Recommendation:</b>
Status Rpt		
UCCJEA		<b>File 15 - Dassori</b>
Citation		
FTB Notice		

NEEDS/PROBLEMS/COMMENTS, continued:

6. Need original Will of the Decedent to be deposited with the Court pursuant to Probate Code § 8200. Deposit fee of **\$50.00** will be due from Petitioner prior to the order for distribution being processed for Petitioner.
7. Item 7 of the *Petition* states that proceedings for the administration of Decedent's estate have been commenced in another jurisdiction; however, the required information is not specified regarding the state, county, court, and case number.
8. Item 8 of the *Petition* requires a *Final Inventory and Appraisal* to be attached to the *Petition*. Need *Final Inventory and Appraisal* [DE-160, 161] pursuant to Probate Code § 13152(b).
9. Item 9a of the *Petition* is incomplete as to (2)(a) or (b) re: divorced, never married, spouse deceased (and if spouse deceased, need spouse's date of death); and *Petition* is incomplete as to (5)(a) of (b) re: natural or adopted child, or adopted by a third party; and *Petition* is incomplete as to (7) or (8) re: issue of a predeceased child.
10. Item 13 of the *Petition* states the specific property interest claimed by each Petitioner in the property is **50%** to **EDWARD J. DASSORI**, son, and **50%** to **RICHARD DASSORI**, son. Each person claiming an interest in the property of Decedent's estate must be a Petitioner. Therefore, need amended *Petition* with **RICHARD DASSORI** as a Co-Petitioner.
11. Need proposed *Order Determining Succession to Real Property* (Judicial Council form DE-315) containing the legal description of the real property, describing the personal property, and specifying the percentage of the Petitioner's property interest.

**Petition for Letters of Special Administration with General Powers; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: NOT STATED</b>		<p><b>DEARIL WHITE</b>, son, is Petitioner and requests appointment as Administrator [<b>bond not addressed</b>].</p> <p>IAEA – <b>not marked on petition, need publication</b></p> <p>Decedent died intestate or had a will [<b>petition is incomplete</b>]</p> <p>Residence: <b>Not stated</b>  Publication: <b>NEED</b></p> <p><u><b>Estimated Value of the Estate:</b></u>  <b>NOT LISTED</b></p> <p>Probate Referee: <b>RICK SMITH</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>CONTINUED FROM 07/02/14</b></u>  <b>As of 08/11/14, nothing further has been filed by Petitioner.</b>  <b>The Petition is incomplete, need amended petition based on, but not limited to the following:</b></p> <ol style="list-style-type: none"> <li>1. Need Publication.</li> <li>2. Need Notice of Petition to Administer Estate and proof of service by mail at least 15 days before the hearing of Notice of Petition to Administer the Estate to all interested parties.</li> <li>3. The Petition is incomplete at items: <ol style="list-style-type: none"> <li>a. 1 – either box a or b should be selected</li> <li>b. 2(b) – Petitioner's name should be listed here</li> <li>c. 2(c) – If Petitioner is requesting IAEA authority either full or limited should be selected</li> <li>d. 2(d) – nothing is marked regarding bond or blocked account</li> <li>e. 3 – need date and place of decedent's death</li> <li>f. 3(b) – need decedent's address at time of death</li> <li>g. 3(c) – character and estimated value of the estate should be completed</li> <li>h. 3(d) – bond/waivers of bond is not addressed</li> <li>i. 3(e) – Not marked whether decedent died intestate or had a will</li> <li>j. 5(a)(2)(b) – The petition states that the decedent had a predeceased spouse. Need name and date of death of predeceased spouse.</li> <li>k. 5(a)(7) or (8) is not marked whether decedent did/did not have a predeceased child</li> <li>l. 8 – Names and relationship to decedent of all heirs (including Petitioner) and including any predeceased children or spouse should be listed in item 8. The name Carolyn Watson is listed, however her relationship to the decedent is not stated.</li> </ol> </li> </ol> <p><b>Note:</b> It is strongly recommended that the petitioner seek legal advice.</p>	
<b>Cont. from 070214</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>			<input checked="" type="checkbox"/>
<input type="checkbox"/>	<b>Aff.Mail</b>			<input checked="" type="checkbox"/>
<input type="checkbox"/>	<b>Aff.Pub.</b>			<input checked="" type="checkbox"/>
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input checked="" type="checkbox"/>	<b>Letters</b>			
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

<b>Reviewed by:</b> JF
<b>Reviewed on:</b> 08/11/14
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 16 - White</b>

Age: 3		<p align="center"><b><u>NO TEMPORARY REQUESTED</u></b></p> <p><b>DEANNA BOWEN</b>, maternal grandmother, is petitioner.</p> <p>Father: <b>ZACHARY MARSHALL</b>, consents and waives notice</p> <p>Mother: <b>NICOLE MARIE REED</b>, consents and waives notice</p> <p>Paternal Grandfather: Unknown Paternal Grandmother: Cari Adams, served by mail on 06/24/2014</p> <p>Maternal Grandfather: Rodney Lee Reed, deceased</p> <p><b>Petitioner states:</b> petitioner is the maternal grandmother and has set a place of residence for her grand baby as the parents are not in the position to care for the child at this time.</p> <p><b>Court Investigator Julie Negrete's report filed 08/05/2014.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> <li>Paternal Grandfather (Unknown)</li> </ul>	
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	Aff.Sub.Wit.			
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	Citation			
	FTB Notice			
Reviewed by: LV				
Reviewed on: 08/12/2014				
Updates:				
Recommendation:				
File 17 – Marshall				

Pro Per Dornhofer, Peter Leo (Pro Per Petitioner, father)  
 Pro Per Dornhofer, Elizabeth (Pro Per Petitioner, mother)

Petition for Appointment of Probate Conservator of the Person (Prob. C.  
 1820, 1821, 2680-2682)

Age: 17 years		NO TEMPORARY REQUESTED		NEEDS/PROBLEMS/COMMENTS:			
		<b>PETER L. DORNHOFER and ELIZABETH M. DORNHOFER</b> , parents, are Petitioners and request appointment as Conservator of the Person with medical consent powers.  <b>Capacity Declaration of Peter M. Nakaguchi, M.D., filed 6/18/2014</b> supports request for medical consent powers.  <b>Voting Rights Affected</b>  <b>Petitioners state</b> the proposed Conservatee is diagnosed with severe intellectual disability and is unable to provide for his personal needs for physical health, food, clothing and shelter as he functions cognitively at about a 7- to 9-month-old level, he is non-verbal, and requires 24-hour one-on-one assistance and care for all his activities of daily living, including feeding, taking medications, dressing, bathing, toileting and all recreational activities.  <b>Court Investigator Jennifer Daniel's Report</b> was filed on 8/6/2014.		<b>Court Investigator Advised Rights on 7/30/2014.</b>  <b>Voting Rights Affected – Need Minute Order.</b>  <b>Note:</b> Proposed order finds that the order is effective on the date minor attains majority on 8/31/2014.  <b>Note:</b> Citation for Conservatorship filed 6/25/2014 is incomplete at Item 1(a) which should include the hearing date, time and Court Department, and is incomplete at Item 1(b) regarding reason for the issuance of the <i>Citation</i> . Incompleteness of Item 1(a) may be considered a Clerk's error since typically the information is provided and inserted by the Clerk as a courtesy to the filing party, while the incompleteness of Item 1(b) is Petitioner error.			
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	FTB Notice						
				Reviewed by: LEG			
				Reviewed on: 8/12/14			
				Updates:			
				Recommendation:			
				File 18 – Dornhofer			



<b>DOD: 07/22/13</b>		<b>KATHLEEN WYNN</b> , daughter, is Petitioner and requests appointment as Administrator without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>CONTINUED FROM 07/30/14</b> <b>Minute Order from 07/30/14 states: Examiner notes are provided to the petitioner. The petitioner reports that the decedent had a will.</b>  <b>As of 08/11/14, nothing further has been filed.</b>  1. The Petition is inconsistent regarding whether decedent had a will or died intestate (without a will). Need clarification. If decedent had a will, a copy of the will must be attached to the Petition and the original must be deposited with the Court. If the decedent died intestate, need waivers of bond from all heirs or bond in the amount of \$105,500.00.  2. The Petitioner indicates that the decedent had a predeceased spouse. Need name and date of death of predeceased spouse pursuant to Local Rule 7.1.1D.  3. Need Confidential Supplement to Duties and Liabilities (form DE-147S).  4. Need Order & Letters.  <b>Note: If the petition is granted status hearings will be set as follows:</b> • <b>Wednesday, January 7, 2015 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u> • <b>Wednesday, September 2, 2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.
		Full IAEA – OK	
<b>Cont. from 073014</b>		Will dated or Decedent died intestate? -(See note 1)	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Residence: Kingsburg Publication: OK	
<input checked="" type="checkbox"/>	<b>Verified</b>	<b>Estimated value of the estate:</b> Personal property - \$ 5,000.00 Real property - 100,000.00 <b>Total - \$105,000.00</b>	
<input type="checkbox"/>	<b>Inventory</b>	Probate Referee: <b>STEVEN DIEBERT</b>	
<input type="checkbox"/>	<b>PTC</b>		
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<input type="checkbox"/>	<b>Letters</b>	x	
<input type="checkbox"/>	<b>Duties/Supp</b>	x	
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
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<input type="checkbox"/>	<b>Citation</b>		
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		<b>Reviewed by:</b> JF	
		<b>Reviewed on:</b> 08/11/14	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 19 – Morse</b>	

**Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)**

Age: 47			<u><b>NO TEMPORARY REQUESTED</b></u>			<b>NEEDS/PROBLEMS/COMMENTS:</b>		
			<b>CHRISTINE CLARK</b> , spouse, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.  Declaration of John Kirby, M.D. supports request for medical consent powers.  Voting rights affected.			<b>Investigator advised rights on 07/25/14.</b>  <b>Voting rights affected, need minute order.</b>		
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	PTC		<b>Petitioner states</b> that the proposed conservatee suffered from a traumatic brain injury as a result of being assaulted. He cannot walk and has limited use of the right side of his body.  <b>Court Investigator Julie Negrete filed a report on 08/07/14.</b>			Reviewed by: JF Reviewed on: 08/12/14 Updates: Recommendation: File 20 – Clark		
	Not.Cred.							
✓	Notice of Hrg							
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✓	Duties/Supp							
	Objections							
✓	Video Receipt							
✓	CI Report							
	9202							
✓	Order							
	Aff. Posting							
	Status Rpt							
	UCCJEA							
✓	Citation							
	FTB Notice							

	<b>BRANDON BOLLENBACHER</b> , grandson, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  This matter should be denied and dismissed.
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Aff.Sub.Wit.		
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Not.Cred.		
Notice of Hrg		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT Reviewed on: 8/12/14 Updates: Recommendation: File 21 – Beck

Atty Roberts, David A. (for Joan St. Louis – Conservator – Petitioner)  
 Atty Boyett, Deborah K. (Court appointed attorney for Conservatee Wanda H. Bingham – Objector)  
 Atty Burnside, Leigh W. (for Wells Fargo Bank, N.A. – Co-Trustee of Trust – Objector)  
 Atty Chambers, Paul (for Randy Grace – Co-Trustee of Trust – Objector)

**Amended First Account and Report of Conservator and Petition for Allowance of Compensation to Conservator and Attorneys' Fees and Costs**

<b>Age: 88</b>		<p><b>JOAN ST. LOUIS</b>, Successor Conservator with bond of \$50,000.00, is Petitioner.</p> <p><b>Account period: 4-25-12 through 12-31-13</b>          Accounting: \$484,471.95          Beginning POH: \$342,061.57          Ending POH: \$390,316.83          (\$372,316.83 is cash)</p> <p><b>Conservator:</b> \$44,697.49 plus \$2,760.24 mileage, for a total of :\$47,457.73 (for 297.98 hrs @ \$150/hr, and for 4,929 miles @ \$0.56/mile, per declaration, to be paid by the Survivor's Trust)</p> <p><b>Petitioner requests</b> that she be allowed to pay herself in the future a set sum of \$2,250/month plus mileage, annually upon court order for the accounting period, which wil eliminate the need for writing down each and every telephone call and trip to the conservatee's residence.</p> <p><b>Attorney:</b> \$12,636.00 plus costs of \$971.00, for a total of \$13,607.00 (for 42.4 attorney hours @ \$300/hr and 1.05 paralegal hours @ \$120/hr, per declaration. Costs include filing, appraisal, and certified copies.)</p> <p><b>Petitioner prays for an order:</b></p> <ol style="list-style-type: none"> <li>1. Settling and allowing the account;</li> <li>2. Approving and confirming the acts of petitioner as conservator of the person and estate;</li> <li>3. Allowing \$44,697.49 plus \$2,760.24 mileage to be paid to the conservator from the Survivor's Trust;</li> <li>4. Allowing \$12,636.00 plus \$971.00 to be paid to the attorney from the Survivor's Trust;</li> <li>5. Allowing the Conservator to pay herself a set sum of \$2,250/month plus mileage, payable annually upon court order; and</li> <li>6. For such other and further relief as may be just, equitable, and proper.</li> </ol> <p><b>Objections have been filed. See additional pages.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p align="center"><b>OFF CALENDAR</b></p> <p><i>First Amended First Account and Report of Conservator is set for hearing on <b>9/23/2014 at 9:00 AM</b>, per Attorney Roberts' request for continuance.</i></p> <p align="center"><u><b>SEE ADDITIONAL PAGES</b></u></p>	
<b>Cont. from 061214</b>				
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<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

**Objections were filed 5-23-14 by Deborah Boyett, Court appointed attorney for Conservatee Wanda H. Bingham, and Guardian Ad Litem for Mrs. Bingham in the related trust matter. Objector states the account should not be approved on the following grounds:**

- A. The compensation requested by the conservator is excessive and does not satisfy the statutory requirement of being "just and reasonable."
- B. The conservator has relinquished a number of responsibilities sine her appointment in January 2013 and the request for a set sum of \$2,250/month in the future is excessive and is not "just and reasonable."
- C. The schedules supporting the accounting are incomplete and describe transactions not readily understood without further detail and should be amended as more specifically requested in the objection.

Compensation for the conservator at a rate of \$150/hour is not a rate customarily allowed for similar conservatorships. Although the conservator has an advanced degree and her expertise in caring for Alzheimer's patients was instrumental in assisting and instructing the conservatee's caregivers, the account does not offer support for determining that the routine services provided as conservator required more than ordinary skill or judgment. Although the conservatorship estate has presented management challenges from the beginning, and there has been ongoing confusion, lack of effective communication, and at times contentiousness as to whether certain responsibilities were duties of the conservator or the co-trustees (Wells Fargo Bank, NA, and Randy Grace), the conservator of the estate had limited estate management duties comprised of ensuring residential maintenance and bills, cash for spending money for the Conservatee. However, since approx. May 2013, the responsibility for the payment of the residential bills was assumed by Wells Fargo Bank, NA, and the responsibility for residential maintenance was assumed by Randy Grace individually and a property manager hired by him. There are no services provided as conservator of the person or as conservator of the estate which would require an unusual level of skill or expertise to justify the hourly compensation requested. Based on a review of current wages in Fresno County, Attorney Boyett suggests that \$25-35/hr may be appropriate.

Likewise, the set sum of \$2,250/month plus mileage appears to be based on the same hourly rate of \$150/hr for 15 hours of service per month; however, as noted, the conservator is not rendering certain services, and there is no indication that she has increased or will increase the services she is providing. Additionally, the conservator has indicated very recently that she is not accepting responsibility for ensuring that the conservatee's taxes are timely paid and returns timely filed. Rather, she has indicated that this responsibility is to be assumed by the co-trustees. Therefore, as she has relinquished certain services she was otherwise providing, to estimate the same hours for future services is not justified and too speculative and the Court should deny this request.

The objection further provides various line items that require more detailed explanation. See objection for specifics, including disbursements for donations, jewelry, bank fees, cash withdrawals, and others, and lack of disbursements or receipts for certain time frames, etc., without explanation.

Objection states the account appears to be incomplete and lacks sufficient explanation as to the purpose of certain transactions; therefore, an amended account should be filed.

**Objector requests that the account be denied, that the compensation to the conservator be denied, and that the account be amended to correct insufficiencies.**

**SEE ADDITIONAL PAGES**

**Objections were filed 6-5-14 by Wells Fargo Bank, N.A., and joined by Randy Grace, Co-Trustees of the Byrum C. and Wanda H. Bingham Family Trust.** Objectors object as follows:

- A. Compensation of \$44,697.49 is excessive. Objectors agree with Ms. Boyett that an hourly rate of \$25-35 is just and reasonable for the services performed by the Conservator;
- B. Compensation of \$2,250/month is excessive;
- C. Objectors also find the schedules to be incomplete and lacking sufficient explanation. In addition to the issues identified by Ms. Boyett, Objectors also note additional issues, including that the earrings purchased for \$15,909.08 are not listed as an asset of the conservatorship estate. Given their value, Objectors submit that they should be included in future inventories, failure to identify investments of the IRA, etc. See Objections for details.
- D. The petition fails to state various information required by Probate Code §1064;
- E. The petition does not address that the current bond is insufficient.
- F. The Conservator failed to timely file any of the estimated taxes for the conservatorship estate resulting in late penalties and interest in the amount of \$1,450.00 and the conservator should be individually surcharged that amount. Information provided.
- G. The mileage reported is excessive. The conservator reports that a visit to Mrs. Bingham's house is a 50-mile round trip; however, pursuant to online mapping services, it is a 17.67 mile trip one way making it an approx. 35-mile round trip.
- H. Objectors object to certain line items on Petitioner's time and mileage sheet.

**Wells Fargo Bank, N.A., and Randy Grace, as Co-Trustees, request an order directing that the conservator file an amended account addressing the deficiencies set forth in the objections, disallowing the request for compensation and future compensation rate, requiring an additional bond for a total bond of \$485,578.45 as calculated, surcharging the conservator for the \$1,450 in penalties and interest for her failure to timely file taxes, disallowing mileage reimbursement as requested, and disallowing certain specific line items in the compensation request.**

**SEE ADDITIONAL PAGES**

## NEEDS/PROBLEMS/COMMENTS:

1. The schedules do not appear to correspond to the account period. For example, the interest and dividends from the IRA begin at June 2012, and the social security receipts begin at May 2013. Need clarification or amended schedules for the complete account period beginning 4-25-12.
2. Disbursement on 1-18-13 indicates \$923.97 "Deaf School – Donation." Examiner notes that donations typically require Court approval via substituted judgment. See Duties of Conservator, Cal. Rules of Court 7.1059 and Probate Code §2583(b). The Court may require clarification as to the donation, the amount, the recipient, etc. Pursuant to Probate Code §2583(b), was this gift in line with the conservatee's past donative practices?
3. Disbursements Schedule indicates gifts of \$1,000.00 to Brian Grace, Brian Grace, Jr., Benecia Grace, and Randy Grace "per court order" in March 2013. Need clarification: On what date did the Court authorize these gifts? Please note that the conservatorship file is extensive, and as such the Examiner was unable to find any such order for this time frame.

Note: There is a line item in the Receipts Schedule indicating that \$6,000.00 was received from the trust in December 2012 "per court order" to distribute gifts. However, please note that the trust is a separate entity and file from this conservatorship estate, and therefore, anything that occurred in the trust is not readily understandable from this petition unless it is explained.

Regardless, the amount disbursed to the recipients mentioned above does not total \$6,000.00. Need clarification: What exactly did the Court authorize, and was it achieved? The Court may require receipts from the recipients.

4. Disbursements Schedule indicates a disbursement to Jeffrey Bingham in the amount of \$584.00. Need explanation.
5. Disbursements Schedule indicates a disbursement to Randy Grace for \$500.00. Need explanation.
6. Disbursements Schedule indicates a reimbursement to Randy Grace of \$303.00. Need explanation.
7. Disbursements Schedule indicates numerous miscellaneous cash withdrawals. Need clarification.
8. Need clarification re lump sum disbursements paid on 12-31-12 of \$1,157.20 and \$2,236.84 in Wells Fargo Bank Fees for 2012 and 2013. What are the fees for, and why were they both paid in lump sums on the same date at the end of 2012?

9. Need clarification re the reimbursement to the conservator's account for earrings purchased for the Conservatee in the amount of \$15,909.08. Also, as noted in the objections, given the value of the item purchased, it appears the new jewelry should now be included as an asset of the conservatorship estate.
10. Need clarification re the disbursement of \$48,156.91 to the trust. Was this authorized by the Court?
11. According to the objections, Petitioner failed to timely pay certain tax liabilities of the conservatorship estate resulting in penalties. Need clarification with reference to Probate Code 2461, Cal. Rules of Court 7.1059, and Duties of Conservator Form GC-358. Examiner notes that there is at least one line item in Petitioner's fee request for a meeting with the CPA re tax returns and additional line items in the attorney's fee request regarding a substantial refund (\$225,000.00); however, there are no disbursements noted in the schedules relating to payment of taxes, and no receipts in the amount referenced by the attorney. Were the \$225,000.00 refund and the attorney time spent thereon related to this conservatorship estate? Need clarification regarding the taxes for this conservatorship and a schedule if required pursuant to Probate Code §1063(g).
12. As noted in the objections, Petitioner requests compensation at a rate of \$150/hr due to her knowledge and expertise in dealing with Alzheimer's patients. The Court may require clarification as to how the majority of the tasks detailed in Petitioner's itemization of conservatorship duties require advanced expertise as opposed to the general care and duty required of a conservator. (Examiner notes that many of the line items involve travel to and from various places, such as the country club to pick up a bill, the credit union, Vons, and even PG&E to pay a bill.)
13. The objections also noted that Petitioner's mileage appears excessive based on actual distances. Examiner notes also that the mileage appears as rounded figures rather than actual mileage recorded (e.g., 50 miles for a visit to the conservatee's home, 30 miles for a visit to the credit union, etc.) The Court may require clarification regarding the distances traveled. The Court may also require clarification regarding the necessity of physically traveling to the financial institutions and various creditors' locations to pay bills (PG&E, the country club, etc.)
14. Need account statement for IRA for the beginning of the account period (April 2012) and the period immediately prior pursuant to Probate Code §2620(c)(2). (The statement provided is for June 2012.)



15. It appears the current bond is not sufficient. Examiner notes that under the original conservator of the estate, David J. St. Louis, the estate consisted solely of one IRA account, which was blocked. See receipt filed 5-22-12. It appears day to day expenses were handled by the trust at that point. However, upon Mrs. St. Louis' appointment as successor conservator, an account was opened at Fresno County Federal Credit Union in the amount of \$43,605.41 for use by the conservatorship estate and Mrs. St. Louis filed a bond in the amount of \$50,000.00. However, it appears that during this account period, additional assets were received, and the conservatorship estate now receives income as well.

At this time, Schedule E (Property On Hand) reflects three accounts as follows:

- FCFCU Savings: \$74,034.95
- FCFCU Checking: \$7,222.80
- IRA (under a new account number): \$291,059.08

Therefore, need receipt for blocked account reflecting the new IRA account number, and bond covering all amounts that are not blocked (FCFCU Savings and Checking), and also including calculations for annual income and cost of recovery. Examiner calculates bond should be increased to a total of \$146,918.84 if the IRA is blocked.

Note: This calculation does not consider the FMV increase discussed below; however, the Court may wish to include this in the calculation.

16. The Summary indicates an increase in FMV of the IRA of \$43,425.11; however, there is no explanation or schedule to support this figure. Need clarification. See Probate Code §1062(a).

Note: The IRA was originally inventoried as a cash asset pursuant to the I&A filed 2-28-13 and Probate Code §8901. It appears that it continues to be held as an uninsured investment account. The objections are requesting that Petitioner identify each asset in the managed investment account. At this point, the Court may require clarification regarding its original inventory value, if this is actually an asset with individually held investments that fluctuate in value rather than simple cash value identifiable by receipts.

Note: The Receipts schedule *separately* notes that dividends in the amount of \$11,881.09 were received from the IRA. This figure appears to be separate from the FMV calculation, but it is unclear. Are these cash dividends received from the IRA (the \$11,881.09) deposited back into the IRA, thereby contributing to the increase in FMV, or are they received as income by the Conservatee and therefore deposited to savings or checking?

17. The conservatorship estate received proceeds from two life insurance policies totaling \$36,662.18 on 10-29-13. The attorney fee request indicates a telephone conference with the Veterans Administration regarding payment on insurance policies. Pursuant to Probate Code §1461.5, if the conservatorship estate consists wholly or in part of money received from the Veterans Administration, notice of hearing is required to be served on the Office of Veterans Administration.

Examiner's Note: There may be additional issues upon further review.